

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

PAVEL GOBERMAN,

3:14-CV-00787-AC

Plaintiff,

ORDER

v.

MR. JOHN TAMERLANO, General
Manager of KATU TV Ch 2,

Defendant.

BROWN, Judge.

Magistrate Judge John V. Acosta issued Findings and Recommendation (#19) on November 18, 2014, in which he recommended this Court grant Defendant's Special Motion (#10) to Strike; deny as moot Defendant's Motion to Dismiss (#10); grant in part and defer in part Defendant's Motion (#22) for Attorneys'

Fees; and, to the extent that they were intended as motions for summary judgment or motions for judgment on the pleadings, deny as moot Plaintiff's Motion (#14) to Order a Judgment to Award the Plaintiff \$1,020,000.00 and Plaintiff's Motion (#18) to Demand a Hearing by Judge Acosta, enter a judgment of dismissal in favor of Defendant, and instruct Defendant to provide to the Court information necessary to rule on his Motion for Attorneys' Fees.

On November 18, 2014, the Magistrate Judge issued an Order referring the Findings and Recommendation to this Court. Also on November 18, 2014, the Magistrate Judge entered a Notice of Mailing the Findings and Recommendation to Plaintiff and the Order referring the Findings and Recommendation to this Court.

On December 15, 2014, Plaintiff's copy of the Findings and Recommendation and the Order referring the Findings and Recommendation to this Court were returned to the Court as undeliverable for lack of a current address.

On December 18, 2014, the Court issued an Order in which it noted the return to the Court of Plaintiff's copy of the November 18, 2014, Findings and Recommendation and Order. The Court advised Plaintiff that under Local Rule 83.12 "[w]hen mail from the Court to a party cannot be delivered due to the lack of a current address and the failure continues for sixty (60) days, the Court may dismiss the action." The Court ordered Plaintiff to file a notice of change of address no later than February 18,

2015, or show cause in writing why this matter should not be dismissed for failure to prosecute. The Court advised Plaintiff that the Court would dismiss this matter for failure to prosecute if Plaintiff did not file a change of address or show cause why this matter should not be dismissed.

On December 18, 2014, the Court entered a Notice of Mailing the December 18, 2014, Order to Plaintiff.

On December 24, 2014, the December 18, 2014, Order was returned to the Court as undeliverable for lack of a current address.

Plaintiff has not filed a change of address or shown cause why this matter should not be dismissed for failure to prosecute. Accordingly, the Court **DISMISSES** this matter for failure to prosecute and **STRIKES** all pending Motions as **MOOT**.

To the extent that Defendant believes it is entitled to attorneys' fees and costs in this matter, the Court **DIRECTS** Defendant to file **no later than March 16, 2015**, a motion for attorneys' fees and/or costs with the Magistrate Judge that provides a basis for the Magistrate Judge to evaluate whether an award of attorneys' fees and/or costs is warranted as well as information necessary to determine an appropriate amount of any such award.

CONCLUSION

The Court **DISMISSES** this matter for failure to prosecute and **STRIKES** all pending Motions as **MOOT**. To the extent that Defendant believes it is entitled to attorneys' fees and costs in this matter, the Court **DIRECTS** Defendant to file **no later than March 16, 2015**, a motion for attorneys' fees and/or costs with the Magistrate Judge that provides a basis for the Magistrate Judge to evaluate whether an award of attorneys' fees and/or costs is warranted as well as information necessary to determine an appropriate amount of any such award.

IT IS SO ORDERED.

DATED this 23rd day of February, 2015.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge